

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT E. LEE,

Defendant.

NO. 2:15-cr-00035-JLQ

SENTENCING HEARING
MEMORANDUM AND ORDER

On December 3, 2015, the court held a sentencing hearing on Defendant Robert Lee's plea of guilty to Theft of Government Money Over \$1,000, in violation of 18 U.S.C. § 641. Assistant Federal Defender Jay McEntire represented Lee, who was present and not in custody. Assistant U.S. Attorney Caitlin Baunsgard appeared for the Government. Probation Officer Shawn Kennicutt attended and assisted the court.

Lee pled guilty on July 17, 2015, pursuant to a Fed.R.Crim.P. 11(c)(1)(C) Plea Agreement. On October 2, 2015, the court granted in part Defendant's Motion for Downward Departure (ECF No. 44), finding Lee's criminal history was overstated in part, and reduced Lee's criminal history from Category III to Category II. As a result, the Sentencing Guideline Range for Offense Level 18 with Criminal History Category III was determined to be 33 to 41 months. During the October 2, 2015 hearing, the court rejected the first 11(c)(1)(C) Plea Agreement, advised Mr. Lee of his option to withdraw or to continue with sentencing on the plea, and continued the matter to October 13, 2015.

1 The parties presented a second Fed.R.Crim.P. 11(c)(1)(C) Plea Agreement at the
2 October 13, 2015 hearing, which the court rejected. The court continued the matter to
3 December 2015. Prior to the December 2015 hearing, the parties presented the court with
4 a third Fed.R.Crim.P. 11(c)(1)(C) Plea Agreement.

5 At the December 3, 2015 hearing, the parties addressed the third Fed.R.Crim.P.
6 11(c)(1)(C) Plea Agreement (ECF No. 59), which called for 12 months of incarceration to
7 be served as home detention with credit for time served and three years of supervised
8 release. The third Plea Agreement also called for restitution totaling \$439,656.30 to be
9 paid as set forth in the Plea Agreement Addendum (ECF No. 60). The Plea Agreement
10 Addendum establishes Ms. Eileen Soldwedel as a third-party guarantor of the restitution,
11 paying \$100,000 in cash by December 31, 2015, and selling several named properties with
12 the proceeds to be applied towards restitution. Lee also agreed to appraise and liquidate
13 his coin collection by September 1, 2016, with the proceeds being applied towards
14 restitution. The court accepted the Third Plea Agreement and incorporated the Plea
15 Agreement Addendum as part of the judgment.

16 **IT IS HEREBY ORDERED:**

- 17 1. Defendant's Motion for Downward Departure (ECF No. 44) is **GRANTED**
18 **IN PART**. Lee's Criminal History was reduced from Category III to
19 Category II for the purposes of evaluating whether to accept the Plea
20 Agreement.
- 21 2. Judgment shall be entered in accord with the Plea Agreement dated
22 December 3, 2015 (ECF No. 59) imposing a sentence of 12 months and 1
23 day, less credit for time served in jail, to be served as home detention under
24 the pretrial conditions of release conditions set by Magistrate Judge Rodgers
25 (ECF No. 17). The period of home detention shall be followed by a three year
26 term of Supervised Release.

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2 3. Restitution shall be made by the Defendant in accordance with the Plea
3 Agreement and Addendum thereto.

4 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order and furnish
5 copies to counsel and U.S.P.O. Kennicutt.

6 **DATED** this 7th day of December, 2015.

7 s/ Justin L. Quackenbush
8 JUSTIN L. QUACKENBUSH
9 SENIOR UNITED STATES DISTRICT JUDGE
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